

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-1477V

Filed: August 28, 2018

UNPUBLISHED

KATHLEEN MOSLEY,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Guillain-Barre Syndrome (GBS)

*DeeAnn Lee Germany, Burch, George & Germany, Oklahoma City, OK, for petitioner.  
Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On October 10, 2017, Kathleen Mosley (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered Guillain-Barré Syndrome (“GBS”) as a result of an influenza (“flu”) vaccine she received on October 10, 2015. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 28, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent concludes that “petitioner suffered the Table injury of GBS following a flu vaccine within the Table time period, and there is not a

<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

preponderance of the evidence that petitioner's GBS was due to a factor unrelated to the vaccination." *Id.* at 4-5. Respondent further agrees that the "claim also meets the statutory severity requirements because petitioner experienced sequelae of her GBS for more than six months" and has therefore "satisfied all legal prerequisites for compensation under the Act." *Id.* at 5.

**In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master